

26 October 1983

MEMORANDUM FOR: Acting Deputy Director for Administration

FROM:

Director of Information Services

SUBJECT: Historical Access/Declassification Review Program

1. As you know, there has been an exchange of correspondence--in connection with the FOIA relief bill--between Senator Durenberger and the DCI on the matter of declassifying selected Agency material for use by historians. That correspondence is attached for your convenience at Tab A. Given the tone and substance of this correspondence, it seems to me that the Agency is committed to this program--even if the FOIA relief bill is not enacted. In view of the commitments made in the correspondence to embark on a declassification review program, we thought you might want our preliminary views on how it should be implemented.

2. The program will involve the review for declassification of selected materials from non-designated files that contain information of interest to historians and in which useful portions are declassifiable. In time, the program will also involve de-designated files, i.e., those files which originally were designated by the DCI as exempt from FOIA search and review but which later have their status changed to non-designated files.

a. Selecting the Files for Review

(1). The selection procedure will begin only after the designated and non-designated files have been identified; only the non-designated files will be subject to the selection process. To identify what information would be of most interest to historians, the selection process should actively involve the Agency Historian and his staff. As professionals in the field, experienced in dealing with other Government and outside historians, they are in the best position to judge what material historians are interested in; also, they have the contacts to obtain outside views and to maintain the program's focus so that it will best serve the purpose intended.

(2). The selection process must also include the active participation of experienced review elements of the Agency which are best able to identify and judge which files contain reasonable portions of declassifiable information. There could

be a separate review element in each Directorate or a single unit with all Directorates represented. Once agreement has been reached on the material that would be of interest to historians and which is reasonably declassifiable, a recommendation would be forwarded to the responsible Directorate which would release the material for declassification review or recommend to the DCI that he withhold it.

b. Review of the Files

Given the success of the Agency's earlier Systematic Classification Review Program which was organized and operated under Executive Orders 11652 and 12065 from 1977 to 1982, we recommend that a single unit be given the responsibility for reviewing material under this new program. It would make use of the experience gained from the previous program; moreover, our experience has shown that the earlier program--with its central review, coordination, processing, and recording of selected material--was cost effective, produced the most consistent results, and maintained a better record of the actions taken and information released. The Classification Review Division (CRD) of this Office is the unit that conducted the previous Systematic Classification Review Program. CRD personnel represent all the Directorates; they have reviewed records from all the Directorates; they are in a good position to know what records might fit into this new program; they are responsible for the DARE computer system which records the status of documents previously reviewed systematically (many documents that may fall within the category desired by historians have already been declassified); and CRD has the experience of reviewing historical material from other agencies, notably the State Department and the military services. We see CRD as the action office to implement the new program in collaboration with the Agency Historian.

c. Procedures for Review

Non-designated files selected for the program will be given directly to the review element in CRD, which will: make a record of the material, conduct the initial declassification review of each document, coordinate that review internally and externally as necessary, make copies of releasable documents (so the original file will remain intact for continued internal Agency use), record the actions taken, process the documents by sanitizing, if this is to be done, prepare them for release, and forward them to the custodial point where they can be made available to historians and other interested parties.

d. Personnel Required

The staff of the Agency Historian in the Office of the DCI consists of [ ] historians, [ ] history assistant, and [ ] secretary. This staff may need to be augmented by additional historians if it is to play an active role in the selection process of the new program. CRD currently has a total of [ ] personnel-- [ ] reviewers (including management personnel) and [ ] secretarial/clericals. To take on the additional responsibilities as outlined above would require an increment of personnel equivalent to the productivity desired. The productivity rate will depend on the type of records reviewed, whether or not we sanitize documents, the amount of time spent on the selection process, training time for new reviewers, degree of inter-Agency coordination required, and proportional clerical help. We anticipate using annuitants on contract to do most of the review under the supervision of a small cadre of staffers. Clerical help would be staff employees and computer systems would be used to record the documents involved and results of our reviews. Senator Durenberger has indicated budget support for a dozen or so positions. As a very preliminary estimate, we see [ ] positions added to the History Staff and [ ] to CRD.

e. Funds and Space

Both of these will be essential but will depend upon the number of reviewers and clerical personnel that are hired and the computer terminals and equipment that might be necessary.

3. Let me suggest that sometime within the next several weeks we meet to discuss the above or any other approach you might want to consider. It would be prudent for the Agency to be prepared to move on a selective declassification program quickly to fulfill the Director's commitment to Senator Durenberger, certainly soon after enactment of the FOIA relief act, if not earlier. There is still plenty of time to work out the specifics as well as to discuss how we obtain the additional resources offered by Senator Durenberger to institute the selective historical access/declassification review program discussed by the Senator in his exchange of correspondence with the Director.

4. For your information, we have a sizeable holding of unclassified material, some of which could be of significant interest to historians, which could be released quickly. That material is described at Tab B.

LS/  
[Redacted]

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Attachments:  
As stated

D/OIS: [Redacted] (26 Oct 1983)

Distribution:

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MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CENTRAL INTELLIGENCE AGENCY  
AND THE NATIONAL ARCHIVES AND RECORDS SERVICE

SUBJECT: Accessioning Records of CIA Predecessor Wartime Organizations into the National Archives of the United States - Associated Responsibilities and Procedures

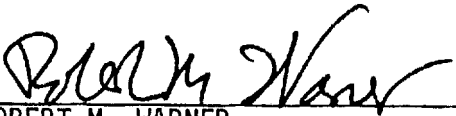
1. In considering the transfer of Records of the Central Intelligence Agency (CIA) Predecessor wartime organizations, primarily those of the Office of Strategic Services (OSS), to the National Archives and Records Service (NARS) for accessioning and release to the public, the CIA has expressed concerns that the records may contain information that is inappropriate for immediate access. For purposes of simplicity, these records will hereafter be referred to as the "OSS records." NARS has provided assurances that its processing procedures will address and resolve these concerns before access is provided. This Memorandum of Understanding reflects mutual agreement that the CIA and NARS review procedures, outlined below will serve to expedite the release of OSS records to the public while providing appropriate safeguards against premature access.
2. The OSS records will be examined for declassification by the CIA. Documents or portions of documents under the final declassification jurisdiction of the CIA (successor Agency) which are found still to contain national security information despite the passage of time will be withdrawn from the records and withheld in the custody of the CIA. A withdrawal card bearing a unique number will be substituted for the withdrawn material. Upon completion of the CIA's examination, the records appropriate for transfer as permanent records will be sent to NARS for accessioning. The records will consist of declassified and unclassified material, except as indicated below.
3. Classified material which the CIA has determined does not require continued protection insofar as that agency's interests are concerned, but which may require continued national security protection in the interest of some other U.S. agency or of a foreign government will be transferred along with the declassified and unclassified OSS records. Such classified material will be identified by the CIA examiners by placing a tab around the relevant material or by affixing a tag to the individual items. It will be the responsibility of National Archives declassification specialists to review such identified classified material for possible declassification at appropriate intervals in accordance with applicable Executive Orders and Information Security Oversight Office directives. The CIA's Information and Privacy Coordinator will assist NARS officials responding to access requests when the identification of the responsible U.S. agency is unclear or when transmittal to the appropriate foreign government is required for declassification determination.
4. NARS will screen and withhold from access and/or refrain from copying for the public declassified or unclassified accessioned OSS records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not

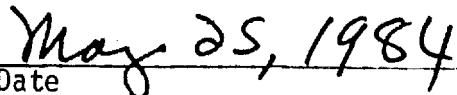
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limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and that contain personal information not known to have been previously made public, and relate to events less than 75 years old (41 CFR 105.61.5302-4).


5. It is agreed that the OSS records still contain sensitive documents which could cause adverse international repercussions. Therefore, as records are transferred, NARS will conduct initial screening on a series or subseries basis. When files or documents are requested, a re-screening will be performed on potentially sensitive records before such items are furnished to researchers. At such time, NARS reviewers will exercise discretion regarding the release of records that might cause national or international repercussions. In case of doubt, or where CIA has identified sensitive records, NARS will consult with appropriate information specialists of the CIA concerning the propriety and/or legal basis for continued denial or release.

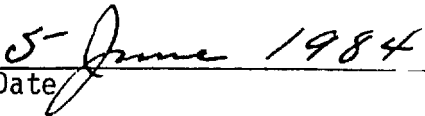
6. The procedures set forth in this Memorandum of Understanding will become effective upon execution of this Memorandum of Understanding by both NARS and CIA.

  
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ROBERT M. WARNER  
Archivist of the United States

  
\_\_\_\_\_  
Date

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HARRY A. FITZWATER  
Deputy Director for Administration  
Central Intelligence Agency

  
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Date